

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF
NEW YORK

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In Re:

Chapter 7

2012 NOV 13 P 12:42

LALITA DEVI SUKHRAM and
ESHWAR NAUTH SUKHRAM,

Case No. 11-42627 (JF)

RECEIVED/MR

Debtors.

-----X
ROBERT L. GELTZER, as Trustee of the
Estate of Lalita Devi Sukhram and
Eshwar Nauth Sukhram,

Plaintiff

Adv. Pro. No. 12-1150 (JF)

-against-

KASTURIE MAHADAN and
BHUSHAN SUKHRAM,

Defendants.

MOTION TO DISMISS

SIRS

PLEASE TAKE NOTICE, that upon affirmation I, Kasturie Mahadan, defendant of the above case resides at 729 Frisbee Street, East Chatham NY 12060 sworn on this 8th day of November 2012.

CLAIM OF RELIEF

PLEASE TAKE NOTICE, before the court are the defendant Kasturie Mahadan motions to dismiss the above-captioned adversary proceeding. For the reasons set forth.

On may 1st 2012 the defendant Kasturie Mahadan receive a summons to recover fraudulent transfer of a gift of \$55,000.00 from Eshwar Nauth Sukhram.


Eshwar Nauth Sukhram never stated that the money was given as a gift. Eshwar Nauth Sukhram stated in his deposition that three people was paying for the life insurance policy. Me mean Eashwar Nauth Sukhram my brother refer to Bhushan Sukhram and my sister refer to Kasturie Mahadan. Eashwar nauth sukhram upon the death of our mother Parandaya Boodhram, honored his obligation towards Bhushan Sukhram and Kasturie Mahadan, being that he was the primary holder of the life insurance policy.

I kasturie mahadan has honered my obligation towards the life insurance policy for my mother Parandaya Boodhram. I Kasturie Mahadan has invested approximantly twenty four thousand four hundred dollors in cash within thirteen years for which has been refer as to as a gift.

See exhibit(s)

WHEREFORE, your affirrant respectfully request an order dismissing the petition herein and for any other and further relief as to the Court seems just and proper.

Date November 8, 2012
East Chatham, New York


KASTURIE MAHADAN
DEFENDANT.

Q. There is \$150,689.08 deposit,
where did that come from?

A. Okay, that was from the insurance
from my mom when she passed away.

Q. Your mother died?

A. Yes.

Q. And she had an insurance policy?

A. Yes.

Q. Hmm?

A. Yes.

Q. And were you the beneficiary?

A. Yes. Three of us was paying for
this, me and my brother and my sister.

Q. I don't know what you mean, you
were paying for what?

A. For the policy.

Q. Un huh?

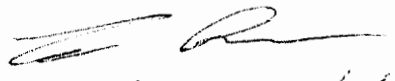
A. When I get that money, I have to
divide it in three.

Q. To whom was the check made
payable?

A. One was made to my brother in
Florida, and my sister I give her cash.

Q. No, the check from the insurance
company?

this is to confirm that Kastur
Mahadev is lending Eshwar Sakhan
\$ 5,000.-


Per a/p/08

June 15, 2012

To whom it may concern:

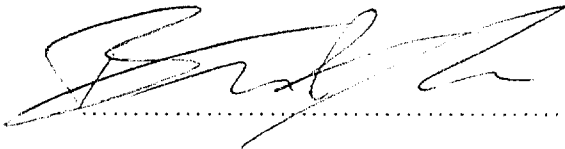
I, Bhushan P Sukhram, 1213 Gail Street, Apopka, Florida 32703, here by confirm that in May 1994 Eshwar N Sukhram, Bhushan P. Sukhram, and Kasturie Mahadan join a life insurance policy on our mother, Parandaya Boodhram in the amount of \$150,000.00.

Eshwar N Sukhram currently residing at 90-27 186 St, Hollis, NY 11423, was the primary policy holder.

The agreement was that in the event of our mother pass away the \$ 150,000.00 Shall split in three ways at \$50,000.00 each for Eshwar N Sukhram, Bhushan P Sukhram, and Kasturie Mahadan.

The premium for the insurance policy was paid by the three of us (Eshwar N Sukhram, Bhushan P. Sukhram, and Kasturie Mahadan).


Bhushan P. Sukhram and Kasturie Mahadan give Eshwar N Sukhram our part of the premium (\$151.00) to pay for this insurance policy since 1994.



Bhushan P Sukhram, COSS



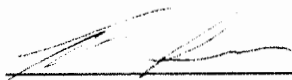
Date



TO WHOM IT MAY CONCERN

This is to certify that I, Eshwar Nauth Sukhram is attesting to the fact the my sister Kasturie Mahadan and brother Bhushan Sukhram were each silent one third share beneficiaries under the Metlife life insurance policy #946700790 with inception date of 07/01/1994 for our mother Parandaya Boodhram. The life insurance policy provided coverage of \$149,999.00. The monthly premium of \$453.00 was split evenly between myself Eshwar Nauth Sukhram, Kasturie Mahadan, and Bhushan Sukhram – with each person contributing \$151.00 monthly. Kasturie Mahadan's one third monthly contribution/payment of \$151.00 was made to me in cash and Bhushan Sukhram's \$151.00 contribution/payment was made to me by check. The monthly premium of \$453.00 was then deducted from my Citibank checking account.

Being the only named beneficiary on the policy, and as per the agreement between myself, Kasturie Mahadan and Bhushan Sukhram, upon the death of our mother, I honored my obligations towards my brother and sister and the proceeds of \$150,000.00 was split evenly amongst the three parties. Kasturie Mahadan received her one third share of \$50,000.00 in cash and Bhushan Sukhram received his one third share of \$50,000.00 by check as per the agreement between the three of us.

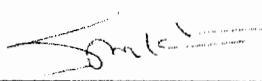


ESHWAR NAUTH SUKHRAM

State of:

County of:

On this 25th day of August 2012, before me the above named individual personally appeared before me and acknowledged that he executed this document in his capacity by his signature.

Notary Public: 


Witness: _____

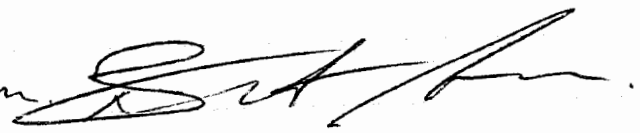
Notary Public, State of New York
NY Notary ID# 198178
My Comm. Expires 12/31/2012


12

1/30/2008
MET LIFE POLICY FOR PARANDY BOODHAM.

- ① THIS IS TO CONFIRM THAT OUR MOTHER PARANDY BOODHAM PASS AWAY NOVEMBER 17, 2007. & ESHWAN N SUKIRAN RECEIVED THE POLICY AMT OF \$150,000. FROM MET LIFE. (ESHWAN SUKIRAN) IS THE HOLDER OF THIS POLICY.
- ② THE MONEY WAS SPLIT IN THREE. ESHWAN N SUKIRAN RECEIVED \$50,000² BITUSAN SUKIRAN REC \$50,000 LIKE 2483 & KASTURIE MATHEWAN RECEIVED \$50,000 IN CASH.
- ③ BITUSAN SUKIRAN & KASTURIE MATHEWAN RECEIVED OUR PART (\$50,000) FROM ESHWAN N SUKIRAN.
- ④ THIS POLICY IS CLOSED & THIS AGREEMENT FOR THIS MET LIFE POLICY FOR OUR MOTHER PARANDY BOODHAM IS CLOSED ON THE ABOVE DATE.

ESHWAN N SUKIRAN: 

BITUSAN P. SUKIRAN: 

KASTURIE MATHEWAN: 

LETTER OF CERTIFICATION

I KASTURIE MAHADAN currently residing at 729 Frisbee Street, East Chatham, New York, 12060, as of this day August 8th, 2012 certifies that I was a one third share beneficiary party under the life insurance policy of our mother (PARANDAYA BOODHRAM) which was worth \$150,000.00, bearing the fact that I made my one third share contribution towards the monthly payments of the policy in the amount of \$151.00.(due on the first of the month)My initial payment was for \$282.00. I began making my one third share contribution payments of \$151.00 since the policy came into effect in June 1st 1994 until the death of my mother in November 17 2007. However my payments were given in cash to my brother Eshwar Nauth Sukhram, being that he was the primary policy holder, he then further submit the monthly payments. I Kasturie Mahadan has invested approximately\$ 24,442.00 dollars into the Insurance policy. After the death of my mother and upon receipt of the insurance check in the amount of \$150,000.00 my brother Eshwar Nauth Sukhram duly give to me my one third share which was due to me in the amount of \$50,000.00, the other \$5,000.00 in question was the repayment of a personal loan.

Witness:

Janette Megers

Kasturie Mahadan
Kasturie Mahadan

_____[Acknowledgements To Be Attached]_____

State of: New York)
)s.s.:

County of Schenectady

On the 10 day of August in the year 2012, before me, the above mentioned personnel, personally appeared, Kasturie Mahadan personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Opel F. Hinds
Notary Public.

Registration # 02 HI 6213064
Expiration 11/02/2013